

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

<b>UNITED STATES OF AMERICA,</b>	)	<b>Case No. 8:13CR105</b>
	)	
<b>Plaintiff,</b>	)	
	)	<b>OBJECTION TO RECOMMENDATIONS</b>
<b>-vs-</b>	)	<b>AND FINDINGS</b>
	)	
	)	
<b>TIMOTHY DEFOGGI,</b>	)	
	)	
<b>Defendant.</b>	)	

COMES NOW the Defendant, by and through counsel, and hereby objects to the Order issued by Judge Magistrate Thomas D. Thalken in relation to Defendant's Motion to Suppress evidence obtained through the search of Defendant's home (Dckt # 105) and Defendant's Motion in Limine. (Dckt # 95).

Specifically, the Defendant objects to:

1. The court's finding that the search warrant for the Defendant's home was supported by a finding of probable cause; and
2. The court's recommendation that the Government's use of the fantasy chats not be prohibited or limited.

The Defendant submits a brief contemporaneously herewith which outlines the legal arguments supporting the objections.

Respectfully submitted,  
Timothy Defoggi, Defendant

/s/ John S. Berry  
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### **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was served upon Michael Norris, Assistant U.S. Attorney and Keith A. Becker, U.S. Department of Justice, by electronically serving a copy of the same to both via CM/ECF, on this the 23<sup>rd</sup> day of June, 2014.

/s/ John S. Berry  
John S. Berry, #22627